

DEPARTMENT OF HUMAN SERVICES

EFFECTIVE DATE: November 1, 1977 DATE ISSUED: October 15, 1977

DATE REVISED: July 8, 1994

SUBJECT: Conflict of Interest: Outside Employment and Receipt of Payment by Department of Human Services (DHS) Personnel for Services Provided Outside the Department; Licensed Occupations; Public Office; Professional Organizations; and, Department of Human Services' Code of Ethics

I. PURPOSE

The purpose of this order is to establish policies and procedures:

- A. pertaining to Department employees who engage in employment and receive payment for services provided outside of the Department; and,
- B. establishing procedures to assess employees' participation in licensed occupations, public office or professional organizations that may present a conflict of interest or time.

This order also amends the Department's Code of Ethics.

II. SCOPE

This order has Department-wide applicability.

III. POLICY

- A. The primary obligation of a full-time employee of the Department of Human Services is to the Department and its clients. All outside employment must have the prior and continuing approval of the Division Director, or his/her assignee, in the case of central office/regional/local components or the Chief Executive Officer in the case of institutional staff. All outside employment of Central Office staff, including but not limited to the Chief of Staff, Deputy, Associate, or Assistant Commissioners, or Office or Division Directors shall have the prior and continuing approval of the Commissioner, or his/her assignee. Such approval shall be given only if the outside employment does not:
 - 1. constitute or give the appearance of a conflict of interest, pursuant to the Department of Human Services Code of Ethics;

2. constitute a conflict of time by interfering with the employee's efficiency in the performance of his/her Department employment; or,
 3. occur during the employee's assigned work day.
- B. No employees of the Department shall solicit or receive any compensation, reward, employment, gift or other thing of value from any source other than the State of New Jersey, for any service, advice, assistance or other matter related to the employee's official duties. Any compensation, reward, gift or other thing of value offered to an employee of the Department from any source other than the state of New Jersey for any service, advice, assistance, or other matter related to an employee's official duties shall be declined. Gifts or benefits of trivial or nominal value, such as complimentary articles offered to the public in general are not presumed to violate this section unless circumstances exist which create a reasonable doubt as to the intention with which the benefit or gift was offered. Questions concerning the receipt of gifts and favors in connection with State employment should be referred to the Division's Conflict of Interest Review Board or the DHS Ethics Liaison Officer. (See Administrative Order 4:14, Acceptance of Gifts, Entertainment and Gratuities by Department Personnel and Executive Order 189.)
- C. Department employees may accept fees for speeches or published works, from a source other than the State of New Jersey, only when:
1. the speech or publication was not completed during Department work time;
 2. no confidential materials unavailable to the general public were used and the subject matter deals with the employee's general expertise and in no way deals directly with the employee's area of responsibility in his/her official position. Additionally, the employee may not use his/her official title on published works for which a fee is paid;
 3. no State of New Jersey equipment or property was used to prepare the speech or publication; and,
 4. the source is not subject to the regulations/oversight of the DHS agency in which the participating employee works.
- D. An employee of the Department may receive compensation in the form of fees, stipends, or salary (which is in addition to his/her regular Department compensation) only when prior approval has been obtained and she/he has

- charged time away from her/his regular work hours to annual leave. In accordance with the Executive Commission on Ethical Standards Guidelines for Attendance at Events or Functions, no fees or stipends may be accepted by a DHS employee from an entity regulated by or doing business with the employee's Division within the Department of Human Services.
- E. No employee of the Department shall serve in a consultant relationship to any public agency, nor shall any DHS employee see patients or clients for a fee when such fee is provided by or paid from New Jersey public funds, except upon approval pursuant to Section III.A. Employees must give written notice, pursuant to Section III.A. when serving or seeking to serve on the Board of Directors, Advisory Board, etc. to an agency or business that receives DHS funds.
- F. The following will constitute a statement of policy with respect to private practice on the part of employees:
1. outside job responsibilities of Department employees shall not be permitted to interfere in any way with their services to the State, or impair the efficiency with which they discharge those services;
 2. no Department employee shall use the facilities, personnel, or equipment of any State institution or agency for any purpose which is not connected with their official Department responsibilities, including, but not limited to, the examination, treatment and counseling of patients or clients other than those regularly admitted, and State employees entitled to certain services; and,
 3. all private practice shall be conducted in a manner and under conditions as will not incur justifiable complaints from local practitioners, and will promote sound public relations between the State and the institutions on one hand, and the general public on the other. Department employees shall not refer clients seen in their public capacity to their private practice, group, association, or business.
- G. Employees shall be apprised of their appeal rights to the Executive Commission on Ethical Standards (ECES) if their request for outside employment is disapproved or if the employee does not agree with a stipulation(s) in the approval decision.
- H. Any question concerning outside or secondary employment, acceptance of gifts, attendance at professional conferences and the payment of honoraria or

travel or accommodation costs, or any other aspect of the subjects discussed or referred to in this order shall be referred to the Division's Conflict of Interest Review Board or Department's Ethics Liaison Officer.

I. DEPARTMENT OF HUMAN SERVICES' CODE OF ETHICS

The purpose of this code is to provide Department staff with a set of ethical standards which will guide their relationship with persons served by the institutions and agencies of the Department, with the families of such persons, the general public, and with commercial and industrial firms with whom the Department does business. For purposes of this Code "employee" means all State officers and employees as well as special State officers and employees, as defined in the State of New Jersey Conflicts of Interest Law. The New Jersey Conflicts of Interest Law is the basic statute and its policy declaration is pertinent here. In N.J.S.A. 52:13D-12 et. seq. the Legislature finds and declares:

1. In our representative form of government it is essential that the conduct of public officials and employees shall hold the respect and confidence of the people. Public officials must, therefore, avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated.
2. To ensure propriety and preserve public confidence, persons serving in government should have the benefit of specific standards to guide their conduct and of some disciplinary mechanism to ensure the uniform maintenance of those standards amongst them. Some standards of this type may be enacted as general statutory prohibitions or requirements; others, because of complexity and variety of circumstances, are best left to the governance of codes of ethics formulated to meet the specific needs and conditions of the several agencies of government.
3. It is also recognized that under a free government it is both necessary and desirable that all citizens, public officials included, should have certain specific interests in the decisions of government, and that the activities and conduct of public officials should not, therefore, be unduly circumscribed.
4. The following guidelines are hereby promulgated, as approved by the Executive Commission on Ethical Standards:

- a. All employees shall act in a manner to carry out the statutory and historical purpose of the Department with respect to the treatment, habilitation, rehabilitation, care, protection, and support of the citizens who may require the services provided by the Department. Respect for the civil rights, the dignity and privacy of the individual, and humane care and treatment, are elements of our obligation.
- b. No employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his duties in the public interest.
- c. No employee shall engage in any particular business, profession, trade or occupation which is subject to licensing or regulations by a specific agency of State Government without filing a Department of Human Services, Conflict of Interest Questionnaire, and promptly filing notice of such activity with the Executive Commission on Ethical Standards.
- d. No employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others.
- e. No employee shall act in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment.
- f. No employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties.
- g. No employee shall accept any gift, favor, service or other thing of value under circumstances from which it might be reasonably inferred: that such gift, service or other thing of value was given or offered for the purpose of influencing him in the discharge of his official duties.
- h. No employee shall knowingly act in any way that might reasonably be expected to create an impression or suspicion

among the public having knowledge of his acts that he may be engaged in conduct violative of his trust as an employee.

- i. No employee shall be a candidate in any partisan political election if his/her principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency. (See Administrative Order 4:06, Employees Standing for Election to or Holding Appointive Public Office.)
- j. This code is intended to augment but not to replace existing Department Administrative Orders and pertinent professional codes of ethics.

V. IMPLEMENTATION

Each Division, Commission, and those Departmental units which report to the Commissioner, shall establish and implement a Conflict of Interest Review Board and policy and procedures pursuant to the policy outlined in this order. Such policy and procedure shall:

- A. Include a process for an employee to inform management when beginning State employment, whenever there is a change in the employee's status, and every third year thereafter, of covered current and proposed outside employment; licensed occupation(s) engaged in; public office(s) sought or held; and, professional organization(s) in which the employee is an officer. A Conflict of Interest Questionnaire (see Attachment A) developed by the DHS Ethics Liaison Officer will establish the minimum of information to be requested of employees;
- B. Establish standards, consistent with this order and the DHS Code of Ethics, prohibiting outside employment which creates or may create a conflict of interest or the appearance of a conflict of interest; and,
- C. Establish a system to review and update, as appropriate, the standards established in Section V. B. and any inquiries to employees in addition to the Conflict of Interest Questionnaire.

The process described in Section V. A. and the standards described in Section V. B, shall be approved by the Department's Ethics Liaison Officer. A copy of all completed Conflict of Interest Questionnaires, approved or not approved by the Division's Conflict of Interest Review Board will be forwarded to the DHS Ethics

Liaison Officer for review and referral to the Executive Commission on Ethical Standards.

VI. RESPONSIBILITY

Department employees shall adhere to this order. Any employee not complying with the requirements of this order shall be subject to disciplinary action in accordance with Administrative Order 4:08, Disciplinary Action Policies and Responsibilities.

William Waldman
Commissioner

**STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
CONFLICT OF INTEREST QUESTIONNAIRE**

SECTION I: IDENTIFYING INFORMATION

1. Name of employee (Please Print): _____
(Last) (First) (Initial)
- Home Address: _____

- Home Telephone Number: _____
2. Civil Service Title: _____
- 2a. Functional Title (if different from above): _____
3. Address of Work Location: _____

- 3a. Work Telephone Number: _____

SECTION II. OUTSIDE EMPLOYMENT

4. Do you have or anticipate having any outside employment or business while employed with the Department of Human Services? (NOTE: The term "business " includes: participation in enterprises both for profit and not for profit, whether compensated or not, where attendance during Department working hours may or may not be required.)
- YES _____
- NO _____
5. Name of current or prospective employer(s) or business(es). If owner, partner or corporate officer or board member, give the name of your business _____

5a. Address: _____

5b. Type of Business: _____

5c. Title or Position held: _____

5d. Duties: _____

(attach additional sheets if necessary)

5e. Hours of Employment:

per day: _____ per week: _____ per month: _____

Normal Starting Time: _____

Normal Ending Time: _____

5f. Describe the groups, associations, companies, industries, corporations, firms or government agencies that purchase the product or services provided. _____

5g. Is your employer or business directly or indirectly doing any business with any department of State government?

_____ YES (If "yes" describe)

_____ NO

5h. Are you or any member of your immediate family associated with any firm, association, group, etc., performing services for the State, as an employee of the firm, owner, partner, officer, sub-contractor or agent?

_____ YES (If "yes" describe)

_____ NO

SECTION III: LICENSED OCCUPATIONS

6. Do you hold a license for the practice of law, medicine, engineering, architecture, accounting, etc., or for the conduct of a trade or business which requires a license, e.g., plumber, electrician, real estate broker or agent?

_____ YES (If "yes" describe)

_____ NO

SECTION IV: PUBLIC OFFICE

7. Do you hold any elective or appointed office or position in State, County, or Municipal government?

_____ YES (If "YES", describe - indicate if elective office is partisan or non partisan.

_____ NO

- 7a. Describe the duties of this office or position _____

(Attach additional sheets if necessary)

SECTION V. PROFESSIONAL ORGANIZATIONS

8. Names of professional organization(s) in which you hold or are seeking to hold office: _____

8a. Describe duties in detail: _____

(Attach additional sheets if necessary)

SECTION VI. EMPLOYEE CERTIFICATION

I hereby certify that this Conflict of Interest Questionnaire contains no willful misstatement of fact or omission of material fact and that statements made herein are true, complete and correct to the best of my knowledge and belief.

I understand that I must refile this form should I again undertake any new outside employment or covered activity. I have read and received a copy of the Department of Human Services Administrative Order 4:05 and Code of Ethics prior to signing this Questionnaire.

Employee Signature _____

Date _____

**SECTION VII. RECOMMENDATIONS OF DIVISION CONCERNING
OUTSIDE EMPLOYMENT**

1. Supervisory Action

_____ Approved (Explain any qualifications or restrictions)

_____ Disapproved (Explain reasons for disapproval)

Supervisor's Signature _____ Date _____

2. Ethics Review Board

_____ Approved (Explain any qualifications or restrictions)

_____ Disapproved (Explain reasons for disapproval)

Signature _____
(For Board) (Date)

SECTION VIII: APPEAL

_____ Requested

_____ Not Requested

Employee Signature _____ Date _____